

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Corroero, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants. §

Cause No. 3:14-cv-00532-HTW-LRA

**APPENDIX – VOLUME II TO BILL OF PARTICULARS
EXHIBIT 11-14**

EXHIBIT	DESCRIPTION
11	“Incident Report” by Ms. Morse, dated July 8, 2014 (pertaining to Leake County request)

12	Letter from Madison County Circuit Clerk, dated July 8, 2014
13	Declaration of Roy Nicholson, dated July 16, 2014
14	“Incident Report” by Julia Hoenig, dated July 7, 2014

Respectfully submitted,

/s/ L. Eades Hogue

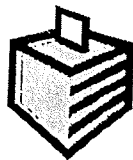
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(504) 584-9142 Fax
Lead Counsel

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Austin, TX 78701
(512) 623-6700 Tel.
(512) 623-6701 Fax

Counsel for Plaintiffs

EXHIBIT 11



TRUE the VOTE

INCIDENT REPORT

NAME Susan Morse

DATE July 8, 2014

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD # n/a

POLLING PLACE NAME Deale County Circuit Court, Mississippi

ADDRESS 101 Court Square

CITY Carthage

STATE MS

ZIP 39051

COUNTY Deale

Please complete the fields below using your notes.

POLL SUPERVISOR Deale Co. Circuit Clerk, Kathy D. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a

CLERK 2 NAME n/a

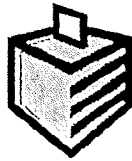
CLERK 3 NAME n/a

CLERK 4 NAME n/a

OFFENDER POSITION n/a

DATE/TIME OF INCIDENT July 8, 2014

Continue to Second Page



TRUE the VOTE

TYPE OF INCIDENT	Refusal for Inspection of Absentee Application & Related Documents	
DESCRIPTION OF INCIDENT		
	<p>Cheryl Kathy Henderson called me this morning at approximately 9:43 a.m. to say we could come in to the office today and view the poll book but could not view the Absentee Ballot Applications, Absentee Ballot Request Forms or the Absentee Ballot Envelopes. She asked where we were going next - I say said I wasn't sure yet. She said Election Commissioners were there today & would wait for us if we would come today to view poll books. I told her I couldn't tell her that. She said she would be there tomorrow also.</p>	
REMEDY OR ACTION TAKEN		
	<p>Electronic reports request was granted & we could pick up the disc later when we came back with to view poll books. She fee would be \$100 & did we want it - I said yes we wanted it & would get the \$100 to her - I was not sure if we would be doing at poll books as we believe we are authorized to review all the docs we requested - She said AG gave us his opinion & she</p>	
	<p>couldn't let us do that - I told her I would let her know about coming back.</p>	
I certify and affirm that the above information is true and correct. (including attachments)		
SIGNATURE	Susan Morse	July 8, 2014

Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

Continued " Pg 2 →

Attachment to TTV Incident Report

Pg 5

July 8, 2014

She also mentioned I should call AG and have him tell me or get our request for his denial in writing - I told her I thought she didn't want me to do that - She said well I have rethought that + I think you should call & talk to him directly.

Susan Mize
(408) 482-4663

EXHIBIT 12

LEE WESTBROOK
MADISON COUNTY CIRCUIT CLERK

lee@madison-co.com

P.O. Drawer 1626 • Canton, MS 39046 • Phone: 601-859-4365 • 601-352-2049 • Fax: 601-859-8555

July 8, 2014

Eades L. Hogue
Beirne, Maynard & Parsons, LLP
601 Poydras Street
New Orleans, LA 70130-6097

Re: Voter Registration Records
Madison County, Mississippi


Dear Sir:

I have received a copy of your memorandum to Catherine Engelbrecht, True the Vote dated July 6, 2014. I have no information or an address for Ms. Engelbrecht; so, my response will be directed to you.

Please be advised that the Madison County Election Commissioners have not input the voter history for the June 3, 2014 Primary election nor the June 24, 2014 Primary run-off election. You may purchase a photocopy of the Madison County poll books (with the birth date redacted). The are 6,107 pages for the Republican poll book. And, 6,107 pages for the Democratic poll book. The fee to photocopy this information is 25¢ per page.

When we receive your request along a detailed description of exactly what you want, we will begin to photocopy the poll books.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Westbrook", written over a horizontal line.

Lee Westbrook
Madison County Circuit Clerk

BEIRNE, MAYNARD & PARSONS, L.L.P.

601 POYDRAS STREET

SUITE 2200

NEW ORLEANS, LOUISIANA 70130-6097

MEMORANDUM

TO: Catherine Engelbrecht, True the Vote
FROM: Eades L. Hogue
DATE: July 6, 2014
RE: Access to voter registration records under federal law

Your volunteers who will be going to the offices across Mississippi tomorrow should know that they have a right to inspect all voter registration documents, including dates of birth, under Section 8 of the National Voter Registration Act of 1993¹.

Absentee ballot applications are required to be maintained by the State pursuant to 42 USC 1974². An absentee ballot application is a relevant voter registration document that you should be allowed to review. Any address information contained on the absentee ballot applications could have been used by the state to update voter registration lists. Accordingly, since the state could use the absentee ballot applications to update registrants' addresses, they should be subject to public inspection under the National Voter Registration Act of 1993.

¹ Public disclosure of voter registration activities (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered. (2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) of this section are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made. 42 U.S.C. 1973gg-6(i).

² Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both. 42 U.S.C. 1974.

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Corro, §
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Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants. §

Cause No. 3:14-cv-00532-HTW-LRA

DECLARATION

By: Roy Nicholson

1. I, Roy Nicholson, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.

2. In the days immediately following the June 24 Primary Run-Off Election, I requested access to voting poll books from Rankin County's Circuit Clerk, Becky Boyd. The purpose of the request was to determine whether or not voters who had

voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election.

3. I made an oral request for the records in person at Ms. Boyd's office on June 27, 2014.

4. In the presence of three witnesses whose names are Sandra Inman, Larry and Elva Eubanks, Ms. Boyd informed me that she could not and would not permit me to access and inspect the voter poll books because the books contained information deemed by the Secretary of State to be confidential. She explained she was in possession of an e-mail from the Secretary of State instructing not to disclose poll books to the public with confidential information contained therein.

5. In addition to claiming the Secretary of State's instructions as reason to not allow us to even view the original poll books she added that the County Attorney told her that the poll books are not subject to public information requests because they are not public records but county property.

6. Ms. Boyd offered that she could only allow inspection of the poll books by the public if the dates of birth corresponding to each voter were redacted. She instructed that I had to pay for the cost of redaction and estimated the cost to be \$1,400. Ms. Boyd further instructed that the costs for such redaction must be paid up-front.

7. Based on Ms. Boyd's instructions, I was unable to access or inspect the voter poll books within Rankin County.

8. Further, declarant sayeth not.

Signed on this the 16th day of July, 2014 in RANKIN County, Mississippi.

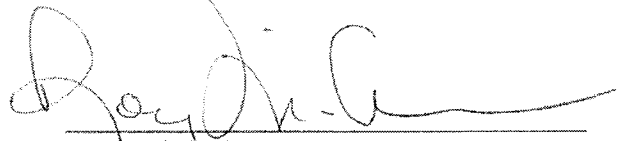

Roy Nicholson

EXHIBIT 14



TRUE *the* VOTE

INCIDENT REPORT

NAME Julia Hoening

DATE 7/7/14

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD # N/A

POLLING PLACE NAME Rankin County Circuit Court

ADDRESS 215 E. Gov't St

CITY Brandon

STATE MS

ZIP 39043

COUNTY Rankin

Please complete the fields below using your notes.

POLL SUPERVISOR Rebecca Boyd Circuit Court
(Circuit Clerk)

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

DATE/TIME OF INCIDENT

1:45
approx. ~~2:00~~ pm 7/7/14

Continue to Second Page



TRUE the VOTE

TYPE OF INCIDENT	asked to leave Clerk of Courts Office
DESCRIPTION OF INCIDENT	<p>After we had begun viewing absentee envelopes / applications, Rebecca Boyd came out of office stating we must leave. She gave us the attached email & statute that dictates we are not, as regular citizens, allowed to view absentee ballot info. She stated that she just called the SOS who told her we must leave. However, this was clarified in the attachment that she actually spoke to the Sr. Attorney for the SOS. Rebecca was insistant that we leave asap, so much so, that she asked we leave all contents as is instead of putting back in their order we found them in.</p> <p>We left, but came back 5 min. later to request Rebecca give us this order in writing. She did - she attachments.</p>
REMEDY OR ACTION TAKEN	

I certify and affirm that the above information is true and correct.

SIGNATURE	<p>Julia Hering 7/7/14</p> <p>[Signature] 2/7/14</p> <p>Jenny M. White 7/7/2014</p> <p>[Signature] 7/7/2014</p>
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Mail To:
 True the Vote
 P.O. Box 27378
 Houston, Texas 77227

Scan and E-mail to:
 info@truethevote.org

Becky Boyd

From: Craig Slay
Sent: Monday, July 07, 2014 5:05 AM
To: J. K. Stringer, Jr.; Becky Boyd; Rusty Carruth
Subject: Fwd: Election Material Review
Attachments: image002.png

See below from McDaniel campaign regarding election document review. As expected they intend to be on site at 9:30 am despite being told 9:30 is not convenient.

Craig Slay - Rankin County iPhone

Begin forwarded message:

From: Mitch Tyner <mtyner@tynerlawfirm.com>
Date: July 6, 2014 at 11:38:06 PM CDT
To: "cslay@rankincounty.org" <cslay@rankincounty.org>
Cc: Front Desk <frontdesk@tynerlawfirm.com>, Tina Penson <tpenson@tynerlawfirm.com>
Subject: Election Material Review

Dear Craig:

Thank you for your letter dated 7/3/14 regarding the Senator McDaniel's request to review the poll books and ballot boxes pursuant to 23-15-911. I understand that you have a conflict for 9:30 in the morning. While the representatives will cooperate in any manner necessary to get this documentation, they will be there at 9:30 ready for the review. Your presence is not warranted nor is it allowed pursuant to the statute. Only the credentialed campaign representatives and the Rankin County Circuit Clerk or deputy clerk are to be present for this inspection.

After we notified the Cochran campaign and served them with notice, they in turn noticed the McDaniel campaign that they too will be reviewing the ballot boxes and poll books at 9:30 in the morning. Therefore our credentialed representatives will be there at 9:30 as previously scheduled. They, of course, will accommodate the needs of the clerk and wait until such time as it may be arranged. Any announcement made regarding rescheduling should be done at 9:30 when representatives of both campaigns are present.

As a courtesy to you, I anticipate the following to be there at 9:30 on behalf of the McDaniel campaign, however, if substitutions become necessary, those individuals shall have their credentials.

- 1.) Rob Rall
- 2.) Todd Macko
- 3.) Crystal Rall
- 4.) Attorney John McNeal

We look forward to working with the Circuit clerk tomorrow.

Sincerely,
Mitch Tyner

* I called Hawley Robertson, Sr. Atty, Elections Division
MS Sec. of State and asked her if concerned citizens
could look at ballot boxes & she said "no, only

ELECTION CODE

§ 23-15-911

SUBARTICLE A.

GENERAL PROVISIONS.

- SEC.
23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives.
23-15-913. Judges to be available to hear and resolve election day disputes.

§ 23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives.

(1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission in the case of general elections or the county executive committee in the case of primary elections, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission or executive committee, as the case may be, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

(2) The provisions of this section allowing the examination of ballot boxes shall apply in the case of an election contest regarding the seat of a member of the State Legislature. In such a case, the results of the examination shall be reported by the applicable circuit clerk to the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

SOURCES: Derived from 1972 Code § 23-3-23 [Codes, 1942, § 3169; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 279; Laws, 1987, ch. 499, § 10; Laws, 2000, ch. 450, § 4, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

Editor's Note — Laws of 1987, ch. 499, § 20, provides as follows:



Rebecca "Becky" Boyd
Circuit Clerk
Rankin County

601-825-1466
601-825-1465 Fax
Email: rdnboyd@rankincounty.org

215 E. Government Street
P. O. Drawer 1599
Brandon, MS 39043